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A 231

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FILED: 3/19/84

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

11	CHURCH OF SCIENTOLOGY)	No. C420153
12	OF CALIFORNIA,)	
13	Plaintiff,)	MOTION IN LIMINE LIMITING THE
14	GERALD ARMSTRONG,)	SUBJECT MATTER OF ADMISSIBLE
15	Defendant.)	EVIDENCE AND THE TESTIMONY OF
16	MARY SUE HUBBARD,)	VARIOUS WITNESSES.
17	Intervenor.)	

Plaintiff and intervenor hereby move this court, in limine, before the jury selection or the trial's commencement, for an order instructing (a) defendant Gerald Armstrong and his counsel and (b) through them, each and every one of their witnesses, not to refer to, interrogate any witness concerning, comment on, mention, or in any other manner convey to the trier of fact the following:

1. Shredding, destruction or "vetting" of documents allegedly carried out by members of the Church of Scientology.

262

212

A 232

1 2. The claim that Intervenor Mary Sue Hubbard and L. Ron
2 Hubbard are not legally married.

3 3. The fact that defendant Armstrong has filed a cross-
4 complaint against the Church of Scientology of California
5 and other parties.

6 4. Any alleged misrepresentations or fraudulent
7 practices committed by L. Ron Hubbard, Mary Sue Hubbard or
8 the Church of Scientology of California, or any Scien-
9 tology organizations, or any individuals acting on behalf
10 of any such organization.

11 5. Alleged criminal or tortious activities by L. Ron
12 Hubbard, Mary Sue Hubbard, Scientologists, the Guardian's
13 Office, or any Scientology organization.

14 6. Alleged tortious or illegal activities by the Church
15 of Scientology or the Hubbards against individuals viewed
16 as enemies of Scientology.

17 7. An incident which took place April 22, 1982,
18 regarding a dispute over photographs between Gerald
19 Armstrong and certain Scientology staff members.

20 8. The "Fair Game Doctrine."

21 9. "Suppressive Person Declare" or "Declare" either in
22 relation to Gerald Armstrong or in general.

23 10. The use of "Black Propoganda."

24 11. Alleged control by L. Ron Hubbard of Scientology
25 organizations and finances.

26 12. Biographical information concerning the history or
27 background of L. Ron Hubbard, Mary Sue Hubbard, or the
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1 religious movement of Scientology.

2 13. References to the Mission Corporate Category Sort-
3 Out, or the activities or conversations associated there-
4 with.

5 14. Use of hearsay articles, reports and/or memoranda
6 containing critical statements concerning the Church of
7 Scientology, the religious movement of Scientology, L. Ron
8 Hubbard or Mary Sue Hubbard.

9 In addition, plaintiffs move to require that the defendant
10 make an offer of proof with respect to the subject matter of
11 the testimony of each witness he intends to call at trial,
12 prior to the time that trial begins, in order to permit a
13 determination of whether any such witnesses' testimony relates
14 to any of the above issues and must be precluded, and whether
15 it pertains to other inadmissible subjects. In support of this
16 request, plaintiffs submit:

17 1. This case is a narrow case pertaining to the claims
18 that Mr. Armstrong wrongfully obtained and disseminated
19 private, personal and confidential documents and their
20 contents, which belonged to Mrs. Hubbard and her husband
21 and to the Church.

22 2. Defendant has listed forty-six witnesses on his
23 witness list.

24 3. Of the witnesses listed on defendant's witness list,
25 less than half have any personal knowledge of any facts
26 relevant to any legitimate defense in this case. Even
27 with respect to those witnesses who have such pertinent
28 knowledge, plaintiffs reasonably fear that the subject

1 matter of the testimony which defendant seeks to elicit
2 from them is in whole or in part inadmissible, irrelevant
3 and prejudicial testimony. This is demonstrated by the
4 fact that defendant has listed wholesale categories of
5 exhibits which are irrelevant, inflammatory, prejudicial
6 and violative of plaintiffs' constitutionally protected
7 privacy and religious rights. It is further demonstrated
8 by the fact that plaintiffs have personal knowledge that
9 many of the witnesses listed are listed solely or in part
10 for the purpose of introducing such improper testimony
11 since they have no -- or in some cases only limited --
12 knowledge of the pertinent facts in this case. It is fur-
13 ther demonstrated by the fact that large numbers of the
14 witnesses listed by defendant have never been listed by
15 him in discovery as being persons who have knowledge of
16 any issues relevant to this case.

17 Plaintiffs further request that any witnesses who were not
18 revealed in discovery be precluded from testifying.^{1/}

19 Plaintiffs will supplement this request with a more parti-
20 cularized analysis of these issues when they have had an oppor-
21 tunity to analyze these matters in full. In this regard,
22 plaintiffs note that they have received defendant's list of
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24 ^{1/} Plaintiffs will supplement this motion with a list of
25 witnesses whose identity should have been but were not revealed
26 to plaintiff in the course of discovery.
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1 exhibits and witness only at the end of the work day on March
2 14, 1984.

3 This motion is made on the grounds that the information
4 described above has been referred to by defendant in papers
5 submitted in this case; that counsel for plaintiff and inter-
6 venor are concerned that defendant will attempt to make refe-
7 rence to these matters; that these matters are irrelevant and
8 that any attempt to convey this information to the jury would
9 be highly improper and prejudicial to plaintiffs even if the
10 court were to sustain an objection and instruct the jury not to
11 consider such matters; that permitting the introduction of such
12 evidence would violate the constitutionally protected religious
13 rights of the parties, would improperly intrude into the inter-
14 nal affairs of a religious organization, would violate the con-
15 stitutionally protected privacy rights of the plaintiffs, would
16 violate privileges that the Church is entitled to assert, and
17 would turn this proceeding into a general trial of Scientology
18 and the Hubbards; and that to permit introduction of evidence
19 on these issues and of these witnesses will unnecessarily
20 prolong the trial.

21 This motion is made pursuant to this court's Civil Trial
22 Manual §132, Evidence Code §§350 and 352, where appropriate
23 Evidence Code §950 et seq., Article I, §§1 and 4 of the
24 California Constitution, and the First, Fourth and Fourteenth
25 Amendments to the United States Constitution. It is based on
26 the Memorandum of Points and Authorities which will subse-
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A 236

1 quently be submitted in support of this motion,^{2/} on the papers
2 and records on file herein, and on such oral and documentary
3 evidence as may be presented at the hearing on this motion.
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5 DATED: March 19, 1984

Respectfully submitted,

6 Law Offices of
7 BARRETT S. LITT

8 By:

9 BARRETT S. LITT

10 Attorney for Plaintiff and
11 Intervenor
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21 ^{2/} The issues raised by the defendant's desire to intro-
22 duce these wide ranging, irrelevant, constitutionally impermis-
23 sible, and often privileged matters are of such wide scope that
24 a Memorandum of Law of considerable length is needed. While
25 plaintiffs had advance notice of the defendant's intention to
26 introduce the documents held under seal by this court, and thus
27 were able to prepare a full memorandum on that issue (see Motion
28 in Limine re documents), they were not so clearly notified con-
cerning these issues. Thus, the Memorandum is in preparation
at the date set for exchange of motions in limine.

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